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6 Attorneys for Defendant,
7 *COLLECTION BUREAU OF AMERICA*

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 NARGIS PARWANI,
11

12 Plaintiff,

13 vs.
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15 COLLECTION BUREAU OF
16 AMERICA,

17 Defendant.
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19
20

) CASE NO. 3:16-cv-01349-H-RBB
)

) **DECLARATION OF SHAWN**

) **ELDRIDGE IN REPLY TO**

) **PLAINTIFF'S OPPOSITION AND IN**

) **SUPPORT OF DEFENDANT'S EX**

) **PARTE MOTION REQUESTING**

) **ATTORNEYS- ONLY TELEPHONIC**

) **APPEARANCE FOR COLLECTION**

) **BUREAU OF AMERICA AT THE**

) **EARLY NEUTRAL EVALUATION**

) **("ENE") CONFERENCE AND/OR**

) **REQUEST TO CONTINUE THE**

} **ENE**

21 I, Shawn Eldridge, declare as follows:
22

23 1. I am an attorney at law, duly licensed and admitted to practice law before
24 the United States District Court for the Southern District of California. I am a member
25 of Carlson & Messer LLP, attorneys of record for COLLECTION BUREAU OF
26 AMERICA ("Defendant") in this case. I have personal knowledge of the facts set forth
27 within this Declaration and if called as a witness I could and would competently testify
28

1 to these facts. Please take notice that J. Grace Felipe hereby enters her appearance as
2 counsel of record on behalf of Defendant, COLLECTION BUREAU OF AMERICA.

3 2. On August 9, 2016, after it was clear the case would not come to an
4 immediate resolution, I spoke with Opposing Counsel Alex Mashiri regarding a Joint
5 Motion for a telephonic attorneys-only Early Neutral Evaluation Conference. Mr.
6 Mashiri declined to join the Motion and I informed him of our intention to move for a
7 telephonic attorneys-only Early Neutral Evaluation Conference. Mr. Mashiri expressed
8 he would oppose such Motion.
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11 3. This case solely involves alleged violations of the California Rosenthal
12 Fair Debt Collection Practices Act (“Rosenthal Act”) and the Fair Debt Collection
13 Practices Act (“FDCPA”). Both statutes only provide for statutory damages up to
14 \$1,000, making the amount in controversy in this case extremely low.
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17 4. The FDCPA and Rosenthal Act contain fee-shifting provisions, which
18 provide for the recovery of attorney fees to Plaintiff if she ultimately prevails against
19 Defendant, and to Defendant if it is shown that the action was not brought in good faith.
20 (15 USC § 1692k (a)(3); *Cal. Civil Code* § 1788.30(c)).
21

22 5. Defendant in this matter is located in Hayward, California, which is located
23 nearly 500 miles from San Diego, California; farther than many out-of-state locations.
24

25 6. Traveling a distance of 500 miles incurs travel expenses of a flight,
26 transportation to and from the airport, meals in San Diego, overnight lodging, and the
27 loss that occurs when an employee must set aside two days and cancel other important
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1 company business. This is excessive in light of the very small amount in controversy at
2 hand in this case.

3 I declare under penalty of perjury of the laws of the United States of
4 America that the foregoing is true and correct, and that this Declaration was
5 signed on August 10, 2016 at Los Angeles, California.
6

7
8 CARLSON & MESSER LLP

9 Dated: August 10, 2016

10 By: 
11 J. Grace Felipe
12 Shawn Eldridge
13 Attorneys for Defendant,
14 COLLECTION BUREAU OF AMERICA
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